

REMARKS

Applicant is concurrently filing a Notice of Appeal and respectfully requests that the Examiner make the amendments to the claims herein to clarify the issues for appeal and to place the application in condition for appeal.

To place application in condition for appeal, this response only fixes (1) the claim objections, (2) the issue of antecedent basis and (3) the issue with respect to claims being dependent on cancelled claims, thereby clarifying the issues for appeal. It leaves the substantive issues for the appeal process. It is respectfully requested that the amendments to the claims be entered for appeal.

(1) Claim Objections. The Examiner objected to claims 11, 16, 24, 32 and 40 due to noted informalities. As suggested by the Examiner, Applicant has amended claims 11, 16, 24, 32 and 40. These are not considered substantive amendments. It is respectfully requested that the amendments be entered to clarify the issues for appeal.

(2) Replacing “the” with “a” - Antecedent Basis. The Examiner notes that in claims 24 and 40, “the” controller lacks an antecedent basis. Applicant has amended claims 24 and 40 by replacing “the” with “a”. It is respectfully requested that the amendments be entered to clarify the issues for appeal.

(3) Dependence on Cancelled Claims. The Examiner has pointed out that claims 24, 38 and 40 had dependence on claims that were cancelled. Applicant has amended claims 24, 38 and 40 so that they depend from their respective pending independent claims instead of cancelled claims.

Other Issues. All other issues raised by the Examiner in the Final Rejection will be addressed on appeal. This response merely clarifies the issues for appeal, thereby placing the application in condition for appeal. This is the only purpose of this response. All substantive arguments will be addressed, in full, in a subsequently filed appeal brief. To this end, Applicant is

U.S. Application No. 10/684,747, filed October 14, 2003
Attorney Docket No. 14211US03
Response dated August 18, 2008
In Response to Final Rejection mailed August 16, 2008

concurrently filing a Notice of Appeal herewith.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: August 18, 2008

Respectfully submitted,

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